



# Town Council Agenda Report

**SUBJECT:** Vacation/Abandonment

Application No., Project Name and Location: VA 8-3-00, Generally located on the north side of Griffin Road, between Weston Road and I-75.

**CONTACT PERSON/NUMBER**

Mark Kutney, AICP (797-1101)

**TITLE OF AGENDA ITEM:**

Vacating a portion of the Pointe West Drive right-of-way and utility easements adjacent to Pointe West Drive; together with lake bank and lake maintenance easements located within the "ICW North and South" Plats.

**REPORT IN BRIEF:**

The petitioner requests the Town vacate a portion of Pointe West Drive right-of-way and utility easements adjacent to Pointe West Drive; together with lake bank and lake maintenance easements.

The subject right-of-way terminates within the proposed Rick Case Honda site approximately 194 feet west of the east limits of the site. The right-of-way will not be needed to provide access to adjoining sites, as they obtain access from Weston Road to the north and Pointe West Drive to the west. Road right-of-way will revert to the property owner and will provide additional open space and/or paved areas. Staff has received no letters of objection from utility providers except for FP&L, Teco, and Comcast. The objections will be mitigated by a grant of easement for the utilities. Staff therefore finds this request to be consistent with the public welfare.

**PREVIOUS ACTIONS:**

None

**CONCURRENCES:** Applicable utilities have submitted letters of no objection with the exception of Town of Davie Utilities Department, which requires granting of a utility easement.

Engineering Division recommends approval.

The Planning and Zoning Board recommended approval (motion carried: 5-0, October 11, 2000).

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Planning Report, Justification Letter, Plat, Sketch and Description, Plan, Land Use Map, Subject Site Map, and Aerial.

**Application #: VA 8-3-00      Revisions:**

**Exhibit “A”**

**Original Report Date:** September 19, 2000

**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

**APPLICANT INFORMATION**

**Owner**

**Name:** Richard J. and Rita M. Case

**Agent**

**Name:** C. William Laystrom

**Address:** 949 Hillsboro Mile

**Address:** 1177 SE 3 Avenue

**City:** Hillsboro Beach, FL 33062

**City:** Fort Lauderdale, FL 33316

**Phone:** (954) 785-9071

**Phone:** (954) 762-3400

**BACKGROUND INFORMATION**

**Application Request:** to vacate a portion of the Pointe West Drive right-of-way, utility easements adjacent to Pointe West Drive; together with a lake bank and lake maintenance easements located within to the “ICW North and South” Plats.

**Address/Location:** 15700 Pointe West Drive

**Land Use Plan Designation:** Commercial

**Zoning:** BP, Business Park District

**Existing Use:** Road right-of-way, and easements for utilities, lake bank, and lake maintenance.

**Proposed Use:** Proposed for construction is a 60,000 square foot automobile dealership.

**Parcel Size:** 2.451 acres (106,796 square feet)

**Surrounding Land Use:**

**Land Use Designation:**

**North:** Lake and Vacant Parcel  
**South:** Lake, vacant Land And FPL Substation  
**East:** Vacant Land and I-75  
**West:** Pointe West Drive and Martin Shopping Center

**North:** Commercial  
**South:** Commercial  
**East:** Transportation  
**West:** Commercial

**Surrounding Zoning:**

**North:** BP, Business Park District  
**South:** BP, Business park District  
**East:** T, Transportation District  
**West:** BP, Business Park District

**ZONING HISTORY**

**Related Zoning History:** None

**Previous Request on same property:** The subject plat “ICW North” was recorded by Broward County on November 6, 1997, Plat Book 163, Page 48 of the Broward County records.

The subject plat “ICW South” was recorded by Broward County on October 30, 1997, Plat Book 163, Page 45 of the Broward County records.

**Development Plan Details**

The subject property is part of a 31.512 acre master-planned development consisting of a 106,745 square foot shopping center with three out-parcels approximately 1 acre in size, a 3.306 acre lake and 7.579 acre undeveloped land. Proposed on the lake site and undeveloped acreage is an automobile dealership providing for a 54,702 square foot 2-story main office and showroom building together with 1-story ancillary structures, with the remaining area made up of drive aisles, open air vehicle storage area, and landscaping.

The applicant is concurrently processing a special permit for filling a lake within the “ICW South Plat”, master plan amendment for the lake expansion within the “ICW North Plat”, and site plan for the development of the auto dealership.

**Summary of Significant Development Review Agency Comments**

The Engineering Department recommended approval of the subject request. Staff received letters of no objection from all utilities except for FP&L, Teco, and Comcast, which will record easements pending the right-of-way vacation by the Town.

**Application Codes and Ordinances**

Land Development Code Section 12-310(B)(1) requires that Town Council must review and approve vacations and abandonments by Ordinance.

### **Comprehensive Plan Considerations**

**Planning Area:** The proposed plat is in Planning Area 1, which constitutes the southwestern most portion of the Town, encompassing all the land north and south

of Griffin Road and west of SW 148 Avenue. This planning area is bisected by by I-75 which is accessed by Griffin Road and Stirling Road. Over 100 acres at the northwest intersection of I-75 and Orange Drive are planned for business park development, known as ICW West.

**Flexibility Zone:** The subject property is located within Flexibility Zone 113.

**Concurrency Considerations:** None

**Applicable Goals, Objectives & Policies:** None

### **Staff Analysis**

The right-of-way is not needed to provide access to Parcel “B” of the “ICW South Plat” as the subject right-of-way will be absorbed by this parcel to accommodate the proposed auto dealership. Road right-of-way will revert to Rick Case Honda and will provide additional open space and/or paved areas.

The lake bank and lake maintenance easements are being vacated as the lake area is being filled to provided for the development of an auto dealership. The backfill is being provided by the excavation of Parcel “C” within the “ICW North Plat”. The expansion of the lake within the “ICW North Plat” will provide for the drainage and retention for ICW North and South Plats”.

### **Findings of Fact**

Section 12-310(A)(1)(a)&(b) requires that review of vacation of right-of-way requests be based upon whether or not the request adversely affects access to neighboring properties and whether it will be in conflict with the public interest. Based upon this code requirement, staff finds that this request does not adversely affect adjoining properties as access is provided from either Pointe West Drive or Weston Road, and will not be contrary to the public interest.

### **Staff Recommendation**

**Recommendation:** Based upon the above and the findings of fact in the positive, staff recommends approval of application number VA 8-3-00.

### **Planning and Zoning Board Recommendation**

The Planning and Zoning Board motion to recommend approval (5-0, Motion By: Mr. Davenport, Seconded By: Mrs. Moore) October 11, 2000 meeting.

### **Exhibits**

Ordinance (To be provided after Merits hearing), Planning Report, Justification Letter, Plats, Sketch and Description, Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared By: \_\_\_\_\_

Reviewed By: \_\_\_\_\_



DESCRIPTION  
RIGHT-OF-WAY VACATION  
ICW SOUTH

That Portion of the right-of-way, ICW SOUTH, according to the plat thereof, as recorded in Plat Book, 163, Page 45, of the Public Records of Broward County, Florida, more particularly described as follows:

Said Lands situate, lying, and being in the Town of Davie, Broward County, Florida and contain 36,640 square feet more or less.

(2) Bearings are based on the north line of Parcel B, bearing S 54°50'00" E, as shown on the record plat.

Order No.: 0008095

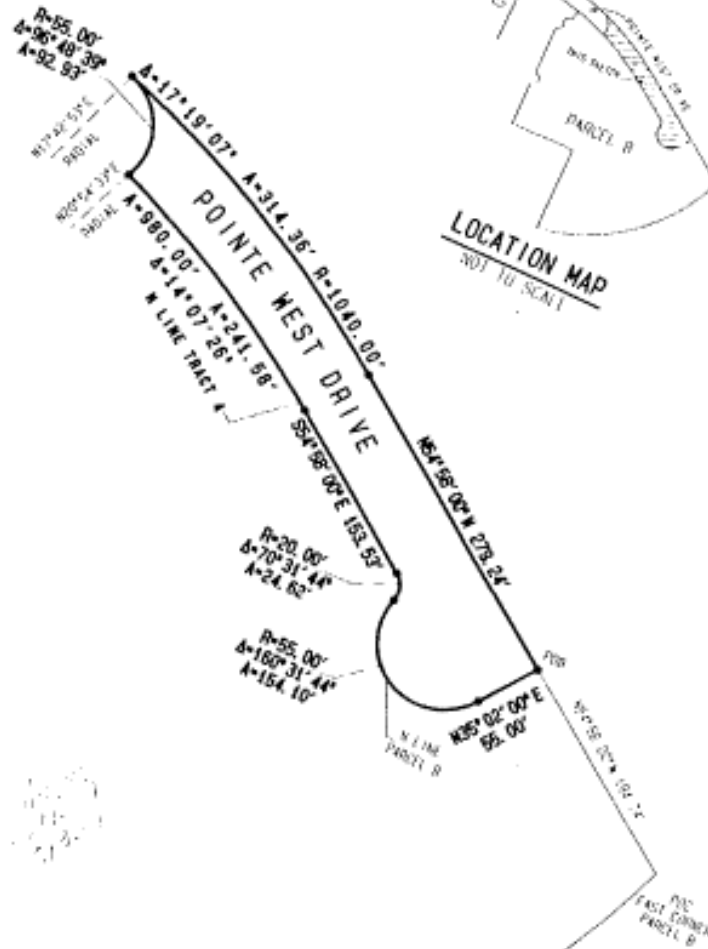
Sheet 1 of 2

**DIETZ & DIETZ LAND SURVEYORS, INC.**  
5204 N. University Dr., Plantation, Florida 33322  
(954) 475-7147

PAGE 13 OF 20

ICW SOUTH  
RIGHT-OF-WAY VACATION

(f) This sketch does not reflect a field survey.



SHIFT 2 OF 2

Ranger J. D. 12  
 P. 5. 88 No. 111  
 State of Florida  
 For U. S. 2546

1-22 rapid without the signature  
and the original dated 1981 at  
a 10128 100-440 Norway and  
440397

**DIETZ & DIETZ LAND SURVEYORS, INC.**  
1224 W. University Dr., Ocala, Florida 33422  
(904) 475-7147

## CASE

• 2000

DATE 8-21-00

DATE: 11-09-17 04:08:45

FILE FOLDER:      IN FILE

DA 1

8482 J. Neurosci., July 26, 2006 • 26(30):8475–8486

**Abstract**

DATA FILE: SP0904C



EXHIBIT B3

DESCRIPTION  
UTILITY EASEMENT VACATION  
PORTION OF PARCEL B & TRACT 4  
ICW SOUTH

DESCRIPTION:

That Portion of Parcel B and Tract 4, ICW SOUTH, according to the plat thereof, as recorded in Plat Book, 161, Page 45, of the Public Records of Broward County, Florida, more particularly described as follows:

COMMENCING at the east corner of said Parcel "B"; thence North  $54^{\circ}58'00''$  West (bearing based on the record plat) along the northerly line of said Parcel "B", for 15.62 feet to a point on a curve at which a radial line bears South  $71^{\circ}21'50''$  East, and to the POINT OF BEGINNING; thence southwesterly along the arc of a curve to the right, having a radius of 661.17 feet and a central angle of  $01^{\circ}21'00''$ , for 15.58 feet; thence North  $54^{\circ}58'00''$  West, for 168.34 feet; thence South  $15^{\circ}02'00''$  West, for 40.00 feet to a point of curvature; thence southwesterly, westerly, northwesterly and northerly along the arc of a curve to the right, having a radius of 70.00 feet, and a central angle of  $160^{\circ}11'44''$ , for 196.12 feet, to a point of reverse curvature; thence northerly and northwesterly along the arc of a curve to the left, having a radius of 5.00 feet, and a central angle of  $70^{\circ}31'44''$ , for 6.15 feet, to a point of tangency; thence North  $54^{\circ}58'00''$  West, for 153.51 feet, to a point of curvature; thence northwesterly, along the arc of a curve to the left, having a radius of 965.00 feet, and a central angle of  $20^{\circ}19'48''$ , for 342.41 feet, to a point on a curve at which a radial line bears North  $84^{\circ}54'15''$  East; thence northerly along the arc of a curve to the left, having a radius of 55.00 feet and a central angle of  $01^{\circ}16'49''$ , for 1.21 feet, to a point of reverse curvature; thence northerly and northwesterly, along the arc of a curve to the left, having a radius of 20.00 feet, and a central angle of  $72^{\circ}37'31''$ , for 25.35 feet, to a point on a curve at which a radial line bears South  $13^{\circ}42'51''$  West; thence southeasterly, along the northerly line of said Tract 4, having a radius of 980.00 feet and a central angle of  $21^{\circ}29'09''$ , for 467.50 feet to a point of tangency; thence South  $54^{\circ}58'00''$  East, for 153.51 feet to a point of curvature; thence southwesterly and southerly, along the arc of a curve to the right, having a radius of 20.00 feet, and a central angle of  $70^{\circ}31'44''$ , for 24.62 feet, to a point of reverse curvature; thence southerly, southeasterly, easterly and northeasterly along the arc of a curve to the left, having a radius of 55.00 feet and a central angle of  $160^{\circ}31'44''$ , for 154.10 feet, to a point of tangency; thence North  $35^{\circ}02'00''$  East, for 55.00 feet; thence South  $54^{\circ}58'00''$  East, for 179.12 feet, to the POINT OF BEGINNING.

Said lands situate, lying, and being in the Town of Davie, Broward County, Florida.

SURVEYORS REPORT/NOTES:

- (1) This sketch does not reflect a field survey.
- (2) Bearings are based on the north line of Parcel B, bearing N  $54^{\circ}58'00''$  W, as shown on the record plat.

Date: 08-25-00

Order No.: 0008113

15.76162 WEST/95.00.00.00

DIETZ & DIETZ LAND SURVEYORS, INC.

5250 N. University Dr., Plantation, Florida 33322  
(954) 475-7147

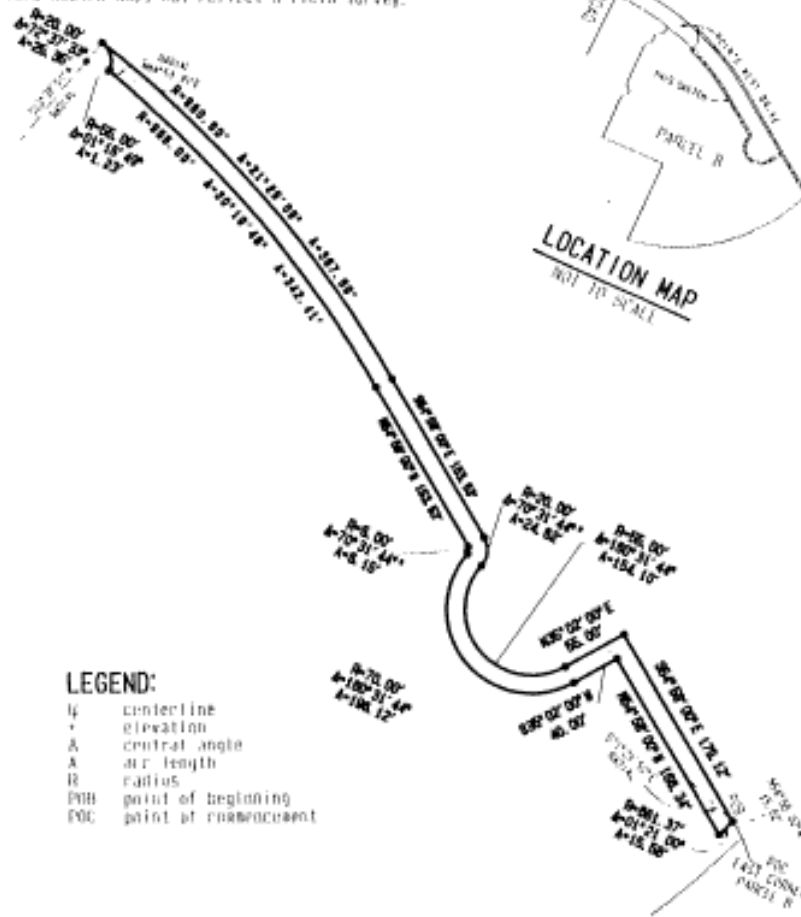
SHEET 1 OF 2

# SKETCH OF DESCRIPTION

## ICW SOUTH UTILITY EASEMENT VACATION

### SURVEYORS REPORT/NOTES:

[[[ This sketch does not reflect a field survey.



SHEET 2 OF 2

*[Signature]*  
 Roger J. Dietz  
 P. E. M. No. 4111  
 State of Florida  
 for I.B. #4542

**DIETZ & DIETZ LAND SURVEYORS, INC.**  
 3724 N. University Dr., Plantation, Florida 33322  
 (954) 475-7547

### CASE

CASE		
DATE: 11-25-00		
PROJECT NO.: 0000133		
FIELD BOOK: ON FILE		
DATE	REVISION	ORDER NO.
ORDER FILE: 1000000		

ORDER FILE JOURNAL

EXHIBIT B4

DESCRIPTION  
UTILITY EASEMENT VACATION  
PORTION OF PARCEL C & TRACT 4  
ICW NORTH

DESCRIPTION:

That Portion of Parcel C and Tract 4, ICW NORTH, according to the plat thereof, as recorded in Plat Book, 1463, Page 48, of the Public Records of Broward County, Florida, more particularly described as follows:

COMMENCING at the southeasterly corner of Parcel "C" of said ICW NORTH; thence North  $54^{\circ}58'00''$  West (bearing based on the record plat) this and the following described course being along the southerly line of said Parcel "C", for 8.34 feet to the POINT OF BEGINNING; thence continue North  $54^{\circ}58'00''$  West, for 465.65 feet to a point of curvature; thence westerly along the arc of a curve to the left, said curve being the southerly boundary, having a radius of 1040.00 feet and a central angle of  $14^{\circ}52'02''$ , for 269.86 feet, to a point on a curve at which a radial line bears South  $57^{\circ}10'11''$  West; thence northwesterly along the arc of a curve to the left, having a radius of 70.00 feet, and a central angle of  $39^{\circ}27'20''$  for 48.20 feet, to a point on a curve at which a radial line bears South  $17^{\circ}42'53''$  West; thence southeasterly along the arc of a curve to the right, having a radius of 1055.00 feet, and a central angle of  $17^{\circ}19'07''$  for 318.89 feet to a point of tangency; thence South  $54^{\circ}58'00''$  East, for 461.10 feet, to a point on a curve at which a radial line bears North  $72^{\circ}31'52''$  West; thence southerly along the arc of a curve to the right, having a radius of 668.17 feet, and a central angle of  $01^{\circ}20'00''$ , for 15.68 feet to the POINT OF BEGINNING.

Said lands situate, lying, and being in the Town of Davie, Broward County, Florida.

SURVEYORS REPORT/NOTES:

- (1) This sketch does not reflect a field survey.
- (2) Bearings are based on the south line of Parcel C, bearing N  $54^{\circ}58'00''$  W, as shown on the record plat.

Date: 08-25-00

Order No.: 0008113

ICW NORTH (Reference)

Sheet 1 of 2

DIETZ & DIETZ LAND SURVEYORS, INC.  
1754 N. Military Hwy., Fort Lauderdale, Florida 33309  
(954) 475-7147

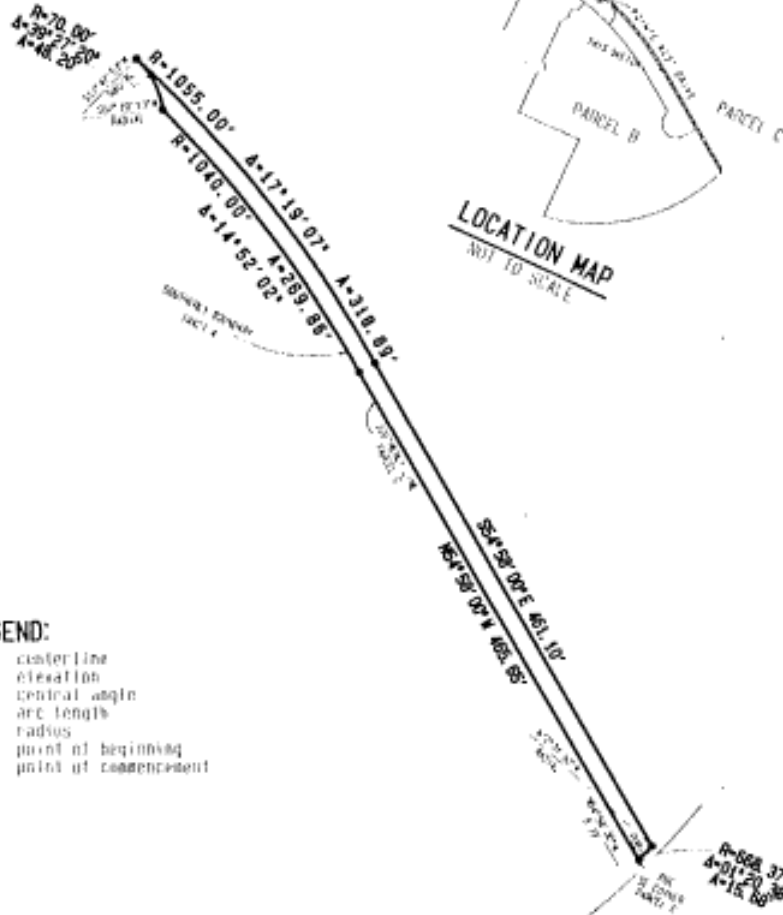
SHEET 1 OF 2

# SKETCH OF DESCRIPTION

## ICW NORTH UTILITY EASEMENT VACATION

### SURVEYORS REPORT/NOTES:

(1) This sketch does not reflect a field survey.



### LEGEND:

- q centerline
- + elevation
- A central angle
- A arc length
- R radius
- PMB point of beginning
- PCE point of commencement

SHEET 2 OF 2

*[Signature]*  
 Roger J. Dietz  
 P. S. M. No. 4011  
 State of Florida  
 for I.D. #4546

See also exhibit the signature  
 and seal of the State of Florida  
 at the time of the survey and  
 order

**DIETZ & DIETZ LAND SURVEYORS, INC.**  
 1404 N. University Dr., Plantation, Florida 33324  
 (954) 475-7347

### CASE

CASE		
DATE: 8-25-00		
ORDER NO.: 00000005		
FIELD NO.: N/A		
DATE	REVISION	DATE

WITH FILE, COVER

**SKETCH OF DESCRIPTION**

ICW SOUTH  
LAKE PARCEL 1  
EASEMENTS TO BE VACATED



**LOCATION MAP**  
NOT TO SCALE

**DESCRIPTION:**

All of the 8 foot Lake Bank Easement, together with all of the 20 foot Lake Maintenance Easement adjacent to Lake Parcel 1, lying in Parcel A, Parcel B, Tract 3, and Tract 4, ICW SOUTH, according to the Plat thereof as recorded in Plat Book 163, Page 46, of the Public Records of Broward County, Florida.

**SURVEYORS REPORT/NOTES:**

(1) This sketch does not reflect a field survey.



Page 3 of 4  
P. 5 M. 10. 4611  
State of Florida  
for (B 4492)

**DIETZ & DIETZ LAND SURVEYORS, INC.**  
1024 N. University Dr., Plantation, Florida 33307  
(954) 475-7147

**CASE**

FOR

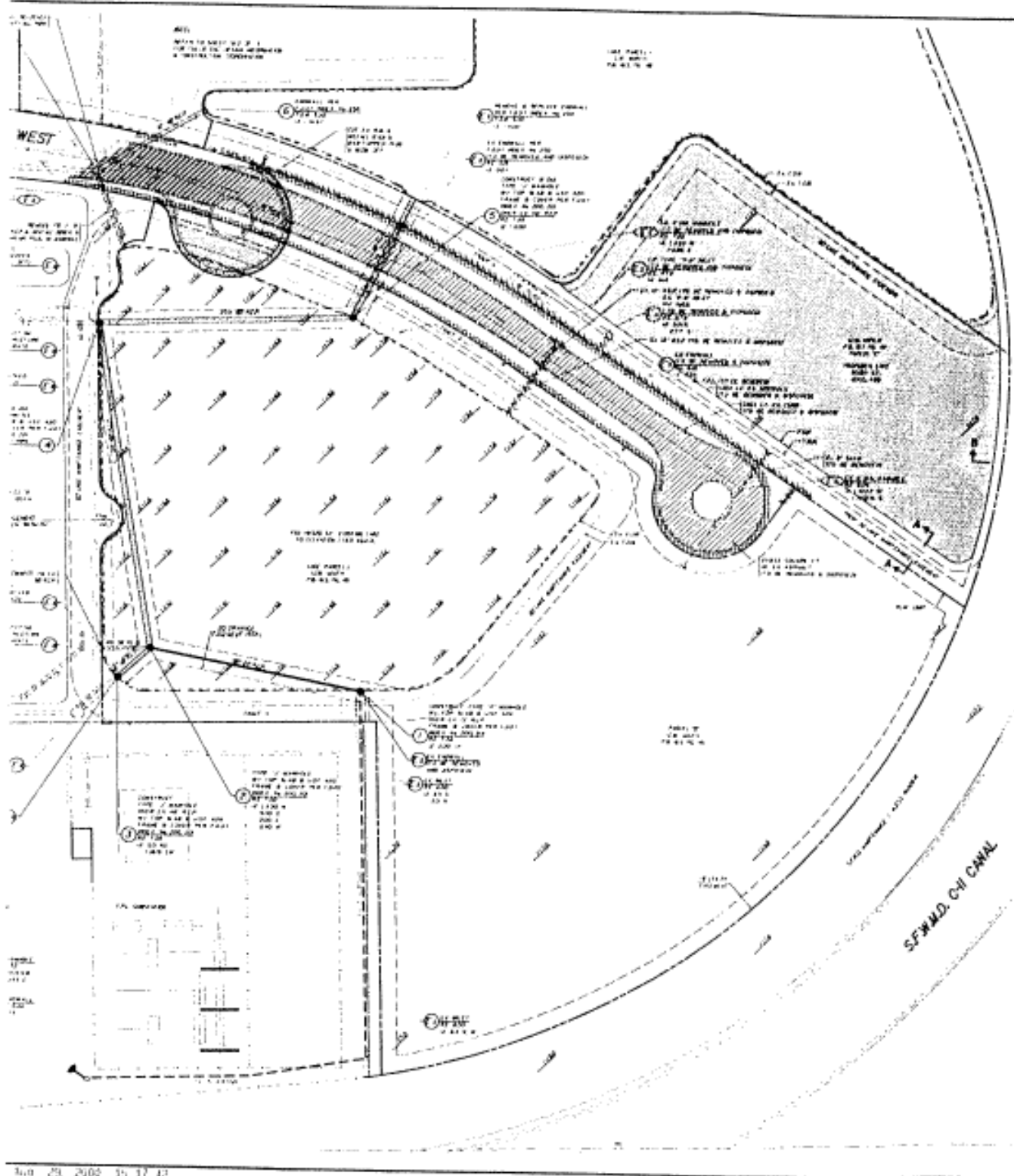
DATE: 8-21-00

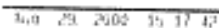
CASE NO.: 0005113

FIELD BOOK: ON FILE

DATE	REVISION	USER NO.

DATA FILE: 110006





WESTON ROAD

COMMERCIAL

TRANSPORTATION

I-75

SUBJECT SITE

S. New River Canal

RECREATION / OPEN SPACE

Griffin Rd.

Town Boundary

PETITION NUMBER  
VA 8-3-00

Subject Site Area  
Future Land Use Plan

N

4

PREPARED 9-18-00  
BY THE PLANNING &  
ZONING DIVISION

Scale 1"=300'





